

COMMITTEE ON LANDS & BUILDINGS

November 14, 2001

6:00 PM

Chairman Cashin called the meeting to order.

The Clerk called the roll.

Present: Aldermen Cashin, Gatsas (late), Levasseur, Shea, Thibault

Messrs.: J. Porter, R. MacKenzie, K. Sheppard, T. Arnold, Jeff Rapsis
Jay Taylor

Chairman Cashin addressed item 3 of the agenda:

Communication from Mayor Baines regarding a donation to the City of property behind McDonalds on Second Street.

Alderman Levasseur asked the valuations that were applied...is that the updated or the old.

Deputy Clerk Johnson replied it is dated October 9th.

Alderman Shea asked how much land is there.

Mr. MacKenzie replied as I remember there was a little over an acre and a half total.

Chairman Cashin stated but it is not buildable.

Mr. MacKenzie replied in the affirmative.

Alderman Thibault stated it is right behind Wolfe Park.

Alderman Cashin stated it is between the wetlands and MacNeil's.

Mr. MacKenzie stated it is behind the old "Pyramid".

Deputy Clerk Johnson stated Mr. Chairman it does indicate they sent revaluation numbers.

Alderman Shea asked so it about \$1,140.00 in taxes. He will have to pay that according to this.

Deputy Clerk Johnson replied the second bill that is going out it is probably going to be somewhere about \$60.00 it is not very much.

Alderman Shea asked in other words the property is evaluated at \$48,000.00.

Deputy Clerk Johnson replied but they have paid their first half already.

Alderman Levasseur asked but the total amount would be about \$2,400.00 a year.

Deputy Clerk Johnson stated total assessment is \$48,700.00.

Alderman Thibault stated that is the assessed value that is not the tax.

Alderman Levasseur stated the tax is \$2,350.00 so 50 times 2 about \$1,000.00 per year.

Chairman Cashin stated I recommend we buy it and I will tell you why...we are getting it for free and he has agreed to pay all legal costs, also, if you could build a "buffer" there...the trouble I had with "The Coliseum" I would not have had a lot of that trouble if we owned that land at the time.

Alderman Thibault asked is it possible to add on to Wolfe Park if that becomes necessary.

Chairman Cashin replied it is the Little League park...it does not cross the street.

Mr. MacKenzie stated there is one parcel between the two but if the City let's say five years from now acquired that one parcel then you could connect them all together into one parcel.

Alderman Thibault asked is there any restrictions in filling up that swamp land with the EPA.

Mr. MacKenzie replied there are some restrictions although this land includes around the edges goes up to the wetland. You cannot build on the main part.

Alderman Shea asked if there were ever an occasion where we would need a "land swap" would that be acceptable.

Mr. MacKenzie replied in the affirmative and stated I think so. There has been an occasion where at McIntyre Ski Area and the airport expansion they needed to swap wetlands in exchange for doing something in wetlands.

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to approve the donation to the City of property behind McDonalds on Second Street. Alderman Levasseur is recorded as being opposed.

Alderman Levasseur stated I worked for the guy for a couple of years and he gave me a ten cent raise. This guy is not giving us anything unless there is something in it for him.

Chairman Cashin addressed item 4 of the agenda:

Communication from Alderman Pinard regarding 2 Bethel Court.

Chairman Cashin stated that came up on CIP last night. They are asking for \$20,000.00 for renovations. My understanding is that all the apartments are vacant at this time. I believe Highway is in cleaning it up now.

Mr. Sheppard replied there is a list of work...Fire and Planning went through it. There is some sheetrocking, fire alarms, electrical. The money that got approved through the CIP Committee last night and go to the School Board at the next meeting. We have started even though funding is not there. As soon as we get the funding within a couple of weeks we can expect that it will be completed.

Alderman Thibault asked and then it will be rentable.

Mr. Sheppard replied whatever the City chooses.

Alderman Levasseur stated this is the one that is behind the library and I told you we should not have bought it because it is going to cost us money forever. You cannot get a fire truck in there if anything burns. It is a safety hazard if I ever saw one. It has asbestos siding and I do not know if it has been checked for lead paint. So if we have anybody in there who is under seven with any kind of elevated lead we are in for that. That is going to have to make you go in and take it all out. I am going to vote against this. I know you have your numbers all lined up.

Chairman Cashin stated it is not a question whether I have my numbers all lined up, it is a question of what are we going to do with the building.

Alderman Levasseur stated you should sell it back because you should not have bought it in the first place. You took it off the tax roll.

Chairman Cashin stated Joe, we bought it for a reason.

Alderman Levasseur stated but land bank it for no use. You cannot buy the other two buildings.

Chairman Cashin stated we bought it in conjunction with the library. You know that and I know that. I do not think we ought to sell it.

Alderman Levasseur stated that is your opinion but my opinion is we should not have bought it in the first place and we should sell it. It is sitting there as a useless piece of building.

Chairman Cashin stated we know how you feel.

Alderman Levasseur stated I am explaining it again for the record. That is your philosophy on government and my philosophy on government. We should not be in the private enterprise business of buying apartment buildings and now being landlords. We should hand that over to Neighborhood Housing Services or somebody else.

Chairman Cashin stated Neighborhood Housing Service has agreed to...as of last night...if we cannot find anyone else to manage it, they will manage it. That has already been established.

Deputy Clerk Johnson stated it is my understanding from the communication...and that was the issue before the CIP last night as who is going to manage it. Apparently they are going to...as I understand it. The approval on the authorization by the CIP Committee last night the recommendation was to approve the budget authorization subject to final approval by this committee. So when they choose a management they would theoretically come back here before CIP to release the funds.

Alderman Shea asked Tom, this building itself now will that be a city owned building or how is it going to be.

Deputy Solicitor Arnold replied I anticipate that since the board essentially bought it for future expansion of the library that it will remain city owned. There are three empty apartments in it. We are doing requests for proposals to essentially go out to non-profits, which is why it is before the CIP Committee, to manage the building. It is anticipated what we would like to see done with this is for

emergency housing of some type because there are certain restrictions on the funds that we are using for rehab or fit-up work.

Alderman Shea asked so my understanding is that the building itself will be renovated by the Highway or whomever...

Deputy Solicitor Arnold replied well that certain repairs will be done.

Alderman Shea continued and then people will move in and what happens...if they pay supposedly \$500 a month or \$800 that money then goes into a particular fund.

Deputy Solicitor Arnold replied if there were rent payments right now I think that would go into the general fund. This board could designate where it goes. But the original intent was to use it for emergency housing for the Welfare Department rather than putting people up in hotels and paying the hotels...rather use these apartments for that purpose. That is what we are aiming for with the RFP.

Alderman Shea asked when that happens does it go to the general fund and then the Welfare Department.

Deputy Solicitor Arnold replied well there may be no payments.

Alderman Shea stated in other words that would help out the other way. The Welfare Department would not have to pay to put people into hotels so their budget would...okay, thank you.

Alderman Lopez asked Tom, when the agreement was made with the library trustees there is nothing in that agreement if I remember the conversation...that once the building was empty then they can do anything they want with it. But are we treading on land.

Deputy Solicitor Arnold replied I do not know of any agreement with the library trustees. The library trustees basically said that this building we know is up for sale may be useful for future library expansion. But I am not aware of any agreement although John Brisbin has been involved with the planning for this building.

Alderman Lopez asked your office has never made a legal agreement with the trustees.

Deputy Solicitor Arnold replied in the negative.

Alderman Thibault stated I sit on the library committee and the reason we bought it is exactly what Tom is just eluding to here...for the possible future expansion of the library. We felt it was better to buy it now at this time at that price than to buy it in ten or fifteen years from now at maybe double the price. That is why we voted for it.

Alderman Levasseur asked are you changing the use of this building so that you have to notify abutters...there is an apartment building next door.

Deputy Solicitor Arnold replied we are not changing the use, it has always been an apartment building.

Alderman Levasseur stated but you are saying it is going to be temporary housing that is a different use.

Deputy Solicitor Arnold stated it may have different type of tenants in it but it is going to be an apartment building. There are not any major renovations going on inside...there is going to be fire rated sheetrock and things like that but the facilities I anticipate they are going to remain as they are.

Alderman Gatsas asked if we are going to use it as emergency housing for Welfare we certainly should at least accumulate some payment from them as if they were paying it to any other landlord because if you just leave it in their budget they are going to allocate funds for something else.

Alderman Thibault stated there should be some way of monitoring that, I agree.

Alderman Gatsas stated if they are going to pay for an apartment \$100 or \$150 a night for a hotel room I would assume for emergency housing they should pay this back to the city and at that point if they are coming in for more funds the city can then take a look at what they want those funds for.

Chairman Cashin stated actually if you do it you are taking it from your right hand pocket and taking it in your left hand pocket.

Alderman Gatsas stated right but it is still in my pants and I understand that I control those funds. At least then we would have some sort of idea of where that money is going.

Chairman Cashin stated I do not have a problem with that. Right now they are putting them up in hotels and any place else.

Alderman Gatsas stated and I have no problem with them going there.

Chairman Cashin stated at least they would be using the three units.

But we should at least let them pay back to the city and if they need more funds because of that then we could certainly come back to them.

Alderman Thibault asked or how would it be if in fact we made sure that they kept rigid control of it and when they come up with their budget we could deduct that off of their budget.

Chairman Cashin stated you could negotiate that later anyway. The question now is are we going to go forward and renovate the building.

Alderman Gatsas asked are there no federal funds that we could look at for this.

Chairman Cashin asked where are the funds coming from.

Mr. MacKenzie replied Mr. Chairman, the funds are indirectly federal. They are city assisted with federal funds Eastgate Apartments. It is payback from Eastgate Apartments as affordable housing and that is where the money for this is coming from. It is affordable housing funds.

Deputy Clerk Johnson stated the communication from Alderman Pinard is just requesting a status of it but based on the CIP action last night I am just trying to clarify...does that mean this committee is approving the authorization not knowing what the management is going to be and just let it go.

Chairman Cashin stated we know what the management is going to be. Felix has said he will do it if we cannot find anybody else.

Deputy Clerk Johnson stated or it is going to just authorize the Mayor's Office to proceed because I think they are the ones that have been coordinating it to date and authorize release of the expenditure of funds.

Alderman Gatsas asked are we saying they are going to manage the property and Welfare is going to use it as emergency housing. So we are going to pay a management fee to a third party.

Chairman Cashin replied we are not planning on paying any management fee.

Deputy Solicitor Arnold stated what the draft RFP is just asking for proposals for use of the building as emergency housing. That is the direction that the Mayor's office apparently wanted to take.

Chairman Cashin stated but what you are doing...you are sending out RFP's to fourteen different people and you have to wait for answers and all that...CIP said last night, unless we can guarantee that somebody is going to be responsible to manage that, then they did not want to release the funds. Now, Felix has agreed to manage it. So now with that understood CIP is willing to release the funds. But if that is not the case, then CIP is not going to release the funds.

Deputy Solicitor Arnold replied I cannot speak to Manchester Neighborhood Housing Service...the only point I am making is the Mayor's office wanted to take direction of putting out an RFP. Now if no one responds to that and Felix remains willing to...he is one of the people that is going to be getting the proposals.

Alderman Gatsas asked what is the RFP for...to manage it or to fix it.

Chairman Cashin replied Public Building Services as I understand it is presently repairing the building and bringing it up to code right now even without the funding.

Alderman Levasseur asked so what do you need the \$20,000 for. I saw an Email from Susan Lafond that said that the amount it cost to fix it was so low they could not get a contractor in there. So what is the \$20,000 going to.

Mr. Sheppard replied it is a lot of miscellaneous items meaning we had to clean the place out. There was a bunch of material left in the basement like furniture. It took four hours on a Saturday to clean that out. There is painting, fire alarms, sheetrock damage...

Alderman Levasseur asked do you have your own electrical contractor.

Mr. Sheppard replied we are doing everything on our own except for the sheetrocking. The thing is it is not in our budget to be doing that so we are asking for reimbursement for it.

Alderman Levasseur asked what does the word "temporary" mean. Are there certain guidelines that mean one week, one month, six months. So they have a month to live in this place and then they are out. Because this is very large apartments.

Alderman Thibault replied I believe it is a month.

Alderman Levasseur stated we are getting \$850 a month for these things on each floor. So I am just wondering when you say "temporary" what the guidelines are.

Now if Felix manages it does he manage it under the same guidelines as Welfare does. Welfare would manage that under temporary so I do not know if you are crossing a lot of lines over here.

Deputy Clerk Johnson stated only because I used to run the Welfare Department maybe I could assist you with that. Some of the rules have changed so my information may be a little old and I also worked with CIP so I know some transitional housing stuff. But it was my understanding from what I had heard of this building it was the intent to try and utilize that building for perhaps some of the Welfare clients. Welfare can end up paying rents for twelve months straight. We have done that in the past. It is not an unusual thing. Usually you are on local welfare until you can get some kind of more current assistance from the state or until you are going back to work if it is a temporary situation. But it is not unusual that the Welfare Department might have to pay six months worth of rent for somebody. So it could be a month or it could be six months. They have emergency shelter for families. When that is full they have no option but to go to hotels if they cannot find someplace else. I think that is what they are trying to cut back on. But you might have somebody that is in emergency shelter that they determine is going to be around here for awhile they may move them to that as a longer term. I think it is something that has to be determined by the people that are specializing in those fields.

Alderman Levasseur stated when New Hampshire Housing gets involved they are Section 8 mostly it is a one-year contract. So they are not temporary.

Deputy Clerk Johnson stated I don't think it is their intent to use Section 8 Housing at that location. You have transitional housing in the city.

Chairman Cashin stated these things could all be worked out between Welfare and...

Deputy Clerk Johnson stated you have agencies out there that specialize in that area and they are trying to keep the cost down.

Alderman Gatsas asked how far along are they on the repairs.

Chairman Cashin replied I don't know.

Mr. Sheppard replied the repairs are probably 50% to 60% done. The one thing we are waiting for was the money to do the sheetrock by an outside contractor. As soon as we get that then within a couple of weeks it should be complete. So after the next board meeting if the money does get approved but I do not know whether the money is not going to be available now until after the management company.

Chairman Cashin stated I hope the board agrees with me...it will go right from this right to the board and the board will approve it and then you guys go and do your thing.

Mr. Sheppard stated so within a couple of weeks it should be available.

Alderman Gatsas stated I do not have a problem with this going forward, I just have a problem that RFP's are going out. What are they going out for. Would it make more sense to get all the information before we just...I can't believe that somebody is going to manage this building and not charge us.

Chairman Cashin stated he is not going to charge us because we are not going to pay him. It is simple. He is going to do us a favor. He probably does not know it yet but that is what he is going to do. Here is what happened here...and it is unfortunate...

Alderman Gatsas stated I understand what you are saying...can't we just table this until...

Chairman Cashin replied in the negative and stated we have to get this moving.

Alderman Shea stated well you can make a motion to table if you get enough people to table it.

Chairman Cashin stated here is what happened with this...when we bought the building, John Brisbin turned it over to Susan Lafond. Susan Lafond has no idea of construction or anything else, it really was not a fair thing to do. If you look at some of the dates, they date back to July 10th where they are talking about what they are going to do with the building and here we are in November and we are still talking about it. All I want to do is extradite it, get it ready for occupancy, get somebody in there to save the city some "dough" whether it is in rent or whatever it might be. To me it just makes good business sense.

Alderman Levasseur asked if it is city owned what is Brisbin doing giving it to Welfare. This is crazy.

On motion of Alderman Thibault, duly second by Alderman Shea, it was voted to authorize the Mayor to proceed and approve release of funds for 2 Bethel Court. Aldermen Gatsas and Levasseur are recorded as being opposed.

Chairman Cashin addressed item 5 of the agenda:

Communication from Hippo Press Manchester requesting to place seven newspaper boxes on city property.

Deputy Clerk Johnson stated there is a provision in the ordinance that basically prohibits and we did confer with the Solicitor's office and Tom can speak up at any time. The sections of the ordinance that it prohibits encumbrances however obviously there are some first amendment issues with regards to newspapers. What the board did in earlier years when it was an issue for mail which was the postal service and Federal Express is they wanted to make sure the boxes were maintained meaning that they were not ugly and they were not blocking the way public safety-wise. So they placed a section in the ordinance to allow permits and it basically is under the supervision of the Public Works Director and the Building Commissioner. And if you look on 5f actually the backside it says 48 at the top, you look down at the very last paragraph in the first column it says "Letter or package collection boxes..." if you add it to that newspaper boxes that would cover it and they could just simply go through the same process. You would have a way of regulating and making sure that public safety and all of that is considered in the process and they things are painted.

Alderman Thibault stated according to this there is already paper boxes there like The Union Leader.

Deputy Clerk Johnson stated there is two boxes located on Merrimack and Elm Streets that apparently the Highway Department was unaware was there and nobody brought it to our attention. But it is agreed that they should be allowed to do something but it is also felt generally speaking that just as the Postal Service and the other boxes...so, the Solicitor's suggestion was perhaps to that as I understood.

Alderman Shea stated one of the thoughts that go through my mind is there are two places now for *The Union Leader* where they have people buy papers or whatever. If we were to grant five other places what would prevent other people from doing the same. In other words, not that I'm...

Deputy Clerk Johnson stated that was the same concern in terms of the postal boxes which is why there would be designated places, there would be designated areas where they put them and some conformity as to how those were placed and rather than having the committee or the Board ruling on all of those specific issues

it was felt that the Building and Highway Departments were the proper departments to be regulating that throughout the City.

Alderman Shea stated if some were put on Commercial Street and other put somewhere else as they've requested...

Deputy Clerk Johnson stated I don't think the issue is to approve necessarily the places they asked for.

Alderman Shea stated the concern is if this is allowed to go there then obviously other communications would be allowed to go in the same general area.

Deputy Clerk Johnson stated *USA Today, The Union Leader...any...Concord Monitor...* any of them could, but if you don't provide regulation of some sort then that's another issue.

Chairman Cashin asked is the committee in agreement that we want to allow this to happen, do we agree to that.

Alderman Thibault replied I don't mind...there's already two on Kelley Street already on the sidewalk next to the other newspaper box.

Chairman Cashin stated the question that Carol was raising was (1) I guess we have to change the ordinance to specify newspapers...

Deputy Clerk Johnson interjected because there is no provision to allow for it on our ordinances now.

Chairman Cashin stated once that's done we just approve it subject to Building and Highway Departments.

Alderman Levasseur asked is there a fee for this.

Deputy Clerk Johnson replied I would defer to Kevin for that because it's Highway.

Chairman Cashin stated there is no fee in the ordinance.

Deputy Clerk Johnson stated the concern was that you would have boxes everywhere when we had the issue for the Postal Service, you were going to have boxes everywhere and that everybody would not maintain the boxes and then you would have these ugly things or whatever and there was a concern by Highway

because they plow some of those sidewalks and where are people putting them and that kind of thing, so that's why they determined yes there should be a right to place them in certain designated areas that are monitored through Building and Highway.

Alderman Levasseur stated constitutionally you don't have to put these on your sidewalks there is no First Amendment issue, you have a legitimate right to not put them on there. We're allowing it because we want to, not because we have to.

Deputy City Solicitor Arnold stated I think that's not the case, I think there is a First Amendment issue with newspaper, there is case law. You can place reasonable time, place and manner restrictions, but I don't think they can forbid them all together.

Mr. Jeff Rapsis, Associate Publisher of *The Hippo Press* stated this week's edition is all about the Civic Center, we did our own edition, just hot off the press so be careful it might burn your fingers. The reason I came by and I know some of the Aldermen...I used to cover Alderman Cashin when I worked for *The Union Leader* some years ago and there is probably a room full of people that covered Alderman Cashin during his career on the Board...the reason I came by was to make sure that it's clear as a local business and a fairly new one and one that's interested in Manchester's revitalization as anyone in the room is that our concern is that we make sure that everyone understands that our intent is to cooperate with the City. The Solicitor is correct there is a First Amendment issue that allows publications that serve the public interest to distribute freely...that's the same coverage as publishing, distribution is also covered by the First Amendment and so what a community does is regulate the time, manner and intent and so on and we're happy to work with anyone in the City about that. If there is a concern about where our boxes are located regarding plowing or maintenance as a locally owned business we're trying to be really responsible and we're not going to be like *USA Today* and also we're very responsive to that to and intend to keep them as neat as a pin because it's in our interest as well and we hope that they serve Manchester because they'll make our publications more available to folks in general who will be coming into town. One of our intents in starting the paper when we did was to provide for them to put Manchester on the map which the cover story is about this week and we can do that better by distributing our papers more. Our business model calls for us to have certain distribution by now and in order to do that we have invested in these boxes, I think there's some paperwork in

your packet that shows you what we're doing with those. It's a fairly significant outlay for us, but it's an investment in our future and we hope that the City looks at those as something that adds to the community and isn't just someone trying to block the sidewalks or anything, so we wanted to make sure that everyone was

aware of that. If you have any other questions now or in the future the Publisher Jody Reese, my business partner would be happy to address them or I would be as well.

Alderman Gatsas stated the seven locations that are requested are by *Hippo Press*.

Mr. Rapsis replied yes and a total of 15 boxes.

Alderman Gatsas stated if *The Union Leader*...I don't think Highway should be put under that burden of choosing these 7 over the next 7 that *The Union Leader* brings and then the next 7 that the...

Deputy Clerk Johnson stated they should designate locations that they can be and that's what they do with the mailboxes.

Chairman Cashin stated in the ordinance the only thing that the Highway Department is responsible for is the locations, not who gets it or who doesn't.

Mr. Sheppard stated what we would do is look at locations for maintenance issues, sidewalk plowing, etc. and would try to designate certain areas or intersections in the City but I'm not sure we want to go that far.

Deputy Clerk Johnson stated originally (I want to say) there were 15 places that they wanted Mailboxes, Etc. to be and I think they cut it down to around 7 throughout the City.

Alderman Gatsas stated if *The Union Leader* comes in and wants 7 other locations, we can't say no or the Highway Department can't say no. Let's say it's across the street from one of these, let's assume they don't want to be next to *Hippo Press* and they want to be on the next block and then you've got them at every block.

Deputy City Solicitor Arnold stated I think there comes a point that these are put, I wouldn't want to be too restrictive about that, but you can regulate as to where these are placed.

Mr. Rapsis stated we do have a total of 20 boxes, I know that 15 of them are slated to be used to distribute the paper within the next few weeks and all of those locations would be either on your list or perhaps in the suburbs, we're not sure exactly where they are yet. But, we may add a box here and there from time-to-time also to the reasonable review of the Highway.

Deputy Clerk Johnson stated the way the ordinance will read is that you will need to receive a permit through the Highway Department but if they want to do it that

quickly then the committee would have to recommend that an ordinance be adopted and recommend that that process be expedited rather than making them wait two months for the process to be completed.

Mr. Rapsis stated just so that it is clear our intent is to have the boxes distributed at least at the several locations this week and there shouldn't be any restrictions on this putting our newspaper distribution racks out because it's covered by the First Amendment. But, again, we want to go through the City and if there's any problems with any of those the City will have a process for altering this ordinance and say to us we have a concern about some...public access or safety or issues.

Deputy City Solicitor Arnold stated what I would suggest to the committee is that they allow placement of the boxes subject to review of Highway. In the interim you can work on the ordinance change to formalize that.

Chairman Cashin stated you're suggesting that Highway sits down with Hippo tomorrow and talk about the locations and in the meantime we'll write the ordinance, fine with me.

Mr. Rapsis stated as far as I'm concerned we'll be happy to work with any staff of the City...Highway or whatever you choose to do the reviewing by to look at where we place them and if there is a problem we will work with you.

Deputy Clerk Johnson stated I think what the committee is approving is saying will you please work with Highway before the boxes go out because if they are a problem then obviously they're not going to be covered under the ordinance and then you could have an issue and you'll have to move them and I don't think you want to get into doing that.

Chairman Cashin stated so you'll sit down tomorrow with the Highway Department, go over the locations and make sure you both agree on the locations rather than you putting them out and we tell you to take them out again.

Mr. Rapsis stated yes what I will do is I'm going to confer with my partner Jody Reese and we'll contact the Highway Department tomorrow. I'm not quite sure what we're going to do with all of the other boxes...we have a total of 20, but we'll keep the process going and we'll keep the lines of communication open and our concern is that there be no arbitrary decision...oh, we can't have boxes there because we don't like them or...but again, we want to work with the City so that they don't cause any problems for the citizenry or the other businesses in town.

On motion of Alderman Levasseur, duly seconded by Alderman Thibault, it was voted to recommend that the Code of Ordinances be amended by adding the following new section:

97.34 Encumbrances Prohibited

(D) Newspaper distribution boxes may be erected upon a street or sidewalk under the direction and supervision of the Public Works Director who may impose such reasonable time, place and manner requirements as are necessary to protect the public safety and convenience. Newspaper distribution boxes shall be subject to such reasonable insurance and indemnification agreements as the Risk Manager may require.

Chairman Cashin addressed item 6 of the agenda:

6. Communication from Mr. Paul Martin regarding the vacant property located at 258 Salmon Street.
(Note: City Clerk's office response to Mr. Martin also enclosed advising that when process of city ownership is complete a recommendation will be made to dispose by public auction.)

On motion of Alderman Levasseur, duly seconded by Alderman Shea, it was voted to receive and file the communication from Mr. Martin.

Chairman Cashin addressed item 7 of the agenda:

7. List of all surplus public lands in the City of Manchester submitted by Robert MacKenzie, Planning Director.

Alderman Levasseur asked if Mr. MacKenzie could resubmit a list which is easier to read.

Alderman Shea asked is this all of the lands from 1994 to 1997, are there others.

Mr. MacKenzie replied this is the accumulated properties up to July of 1998. There have been additional properties taken by the Tax Collector.

Alderman Gatsas stated this isn't a list that we've been asking for for about two years of all the City-owned property because there are already things we may have had from '85 that the City owns that may not be.

Mr. MacKenzie stated we do not have a list of all the City-owned property.

Deputy Clerk Johnson asked are you looking for City-owned property that's being used by the City.

Alderman Gatsas replied whether it's unused, vacant, it's surplus. I think there are pieces that I've looked on here that don't appear that we've talked about in the past that people have come in and wanted to buy and they aren't here.

Alderman Shea stated I'm looking at the Zoning Board of Adjustment and Carl Randall is going to present tonight a variance or seeking a variance at 13 Batchelder Avenue and land and buildings at Batchelder Avenue is on this list.

Deputy City Solicitor Arnold stated that has already been disposed of, it's shaded.

Alderman Gatsas asked can we send a request to somebody to get us something that we all understand that we have something that we may want to sell to generate some income.

Deputy Clerk Johnson replied what we could probably do is to take that list and take off those properties that are in the shaded areas.

Alderman Gatsas stated for example the Somascan Brothers up on Hanover Street...there's a piece of land sitting there, it's not on that land.

Deputy Clerk Johnson stated it's been ordered to be held; that list is what was considered to be surplus property as I understand it. In other words, those are properties that the City could actually dispose of.

Alderman Gatsas stated let's see if we can do this again. How about if we ask somebody for a list of property...I don't want to use the word surplus...that is not in current use, a school or a police station I could care less about. I would think that something like Bethel Court should appear on this list.

Deputy Clerk Johnson stated Bethel Court is not owned totally by the City yet which is why it is not on the list.

Alderman Gatsas asked who is it owned by.

Deputy City Solicitor Arnold stated it is owned by the City.

Deputy Clerk Johnson stated the City has taken it but they have to send out a letter and if taxes aren't paid within thirty (30) days...

Chairman Cashin interjected no that's not Bethel Court that's the one next to the Library.

Alderman Gatsas stated a property like that should be on the list. There's another piece that's next to the Salvation Army that I think we gave to them.

Alderman Levasseur stated no, we didn't give it to them, it's still sitting there.

Alderman Gatsas asked who can we get...for two years I've been waiting for this list and have not been able to see it.

Ms. Porter stated I don't know if you got the message but I did leave you a message a while ago about something that I have in the office that is cumbersome and very difficult to read. I had shown it to Alderman Cashin and he had suggested that I call and left a message with you that I have this list, but I myself am not thrilled with it because you have to go into the...I went into the old system before we lost it and the new system and printed...you have to go to each account (City of Manchester, Highway) and list all the properties they have, then go into a separate account...the City of Manchester probably has 30 accounts and 30 properties under each of those accounts.

Alderman Gatsas asked, Kevin, is there a piece of land that the Highway Department has control of that's sitting there vacant.

Mr. Sheppard replied actually I think we just found out through the City tax assessment that down on Frontage Road a piece of property is under the Highway Department.

Ms. Porter stated that's another issue, for some reason we don't even know why some of these are listed as City of Manchester, Highway...City of Manchester...we do know Parks and Rec and School, Fire, Police...but, over the years some of them just got tagged and we don't know why. So, the Manchester Tax Collector is simply tax deeded properties. But, if you have some time and would like to come in a look at it.

Deputy Clerk Johnson stated we would get a complete list of City properties and could then tell what's being used and what's not being used. We may even get that...

Chairman Cashin stated I thought you had seen that list because I know she did try to call you and I thought you two and had already. If you do have a some you'll see how cumbersome it is.

Alderman Gatsas stated I understand that but there has to be a way that in this day and age that we know that on Lodge Street there's a piece of property that's vacant that's owned by the City and it's sitting there and it's a 75 x 100 lot that maybe somebody might want to buy and there's not reason to landbank it. I don't know why we landbank half the stuff that we have.

Deputy Clerk Johnson stated I may have a suggestion as to how we might get...it's not going to be tomorrow okay but we can check with the Assessors and see if they can generate a list of all City-owned property then we can send that list out to all of the departments, let them go through it for anything that's listed to their department and identify what is not being used or currently vacant and then you would have a comprehensive list.

Alderman Gatsas stated I hear what you're saying and that's fine because as long as they put on there what it's being used for because I don't want somebody just to say we'll we're parking three cars on it. What kind of time frame can we look at.

Deputy Clerk Johnson stated I don't even know if Assessors can generate the list; that what we have to start with because they are the only ones that could generate a list like that to my knowledge.

Deputy City Solicitor Arnold stated I presume they have a listing of all the properties in Manchester and all those properties have an owner attached to them.

Chairman Cashin stated Carol will you delegate someone in your office to follow-up on this and follow through with it, please.

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to receive and file list of surplus public lands.

Chairman Cashin addressed item 8 of the agenda:

8. Communication from Jay Taylor, Economic Development Director, requesting that a staff committee, consisting of the Finance Director, Planning Director, City Solicitor and Economic Development Director participate with the Manchester Housing and Redevelopment Authority to develop an RFP process for selecting a qualified firm to market the French Hall property.

On motion of Alderman Levasseur, duly seconded by Alderman Thibault, it was voted to approve a staff committee (as outlined) to develop an RFP process for selecting a qualified firm to market the French Hall property.

Alderman Shea asked what do you anticipate, what do you think the marketing will cost.

Mr. Taylor replied that will be part of the RFP process to determine that. The School Department is interested but they have no money, so we're trying to get this rolling somehow and get the property back on the tax rolls and this is the first step.

Alderman Lopez asked what kind of a cost factor are you going to go through here.

Mr. Taylor replied with an RFP no, the only subsequent cost might be when we get to the point of putting a price on it and we'll have to get it appraised.

Alderman Lopez asked has there been any discussion with you for New Horizons to utilize it this winter.

Mr. Taylor replied not me.

Alderman Gatsas asked are we looking to sell this.

Mr. Taylor replied the plan is to make it part of the Hackett Hill Development so we're selling it to a buyer who would be willing to develop it in accordance with the development standards we set for the Hackett Hill Business Park Development, yes that is the intent.

Alderman Gatsas asked there are how many square feet in there.

Mr. Taylor replied 30,000 square feet on two floors.

Alderman Gatsas stated you haven't heard of anybody that's looking for space who would be willing to go out there and lease it.

Mr. Taylor replied we haven't tried to do anything because the School Department has had it tied up for a year and a half, they've had a hold on it...they've said they're interested and we're just trying to get this straightened out. They say they're interested but they have no money. So, unless the Board is willing to give them the building or lease it to them then we should get on with it.

Alderman Lopez asked who makes the final decision on that, Jay. Has the Board taken action/direction it's going to be a commercial park.

Alderman Levasseur stated it's already been zoned, it's already been broken into pieces, it's gone through the variance process...

Chairman Cashin stated here's the question...we could either approve the RFP, market it or we can not do it and sit on it like we're doing now.

Alderman Gatsas asked don't we have the capabilities of doing that in-house with the Destination Manchester person we have and Jay in your position we can't find a tenant for that we've got to go out and pay somebody to do this.

Mr. Taylor stated we could offer it for lease but the question is do we want to go in a wider circle and just try to get local customers or do we want to make an attempt to get somebody from the outside who is going to buy the building, do you want to be a landlord...I'm not sure we do. I think we'd rather sell it and get it on the tax rolls. If we own it, it's not taxable.

Alderman Gatsas asked why do we need somebody else to sell it. Why don't we just get an appraisal and put a for sale sign on it, why do we need somebody...

Mr. Taylor stated we could put a for sale sign on it but that doesn't imply an active marketing campaign which I don't have the budget to do and nobody in the City does either.

Alderman Shea asked which would you feel would be more...

Mr. Taylor replied what process we're proposing here is not unlike what we did with the Manchester AirPark Development which the Housing Authority was also involved in and has been a fairly successful effort and the property is all pretty much sold and one would hope that a brokerage firm would spend some money up front and do some marketing brochures and spend their own money in the hopes of getting a commission down the road. If we do it ourselves we've got to put the money up front to do the marketing materials and all that and I don't have that money in my budget.

Alderman Shea asked do you have a reasonable cash amount as far as what this is worth, do you kind of have a ballpark figure in your mind. If somebody offered say \$100,000...you'd say that's ridiculous and it's worth \$1.2 million or what.

Mr. Taylor stated we paid \$1.875 million a year ago which was based on an appraisal that was done a year or two previously. The City is required by law to sell things at fair market value unless there are extenuating circumstances. If somebody came in and said we're going to add to the building by 50% and spend \$8 million renovating it could we then justify selling it for something lower than

market value, probably, but that's a discussion to be held later on. I don't know if you want to tell people that we're doing that.

Alderman Shea stated you have profit and non-profit entities and if it were a non-profit entity like a college or a tech school or something and they bought it we wouldn't get any taxes back or from that so there has to be...the intent is to get a tax paying entity in there.

TABLED ITEMS

On motion of Alderman Levasseur, duly seconded by Alderman Thibault it was voted to remove items 9 through 12 from the table for discussion.

9. Communication from AAT Communications Corporation relative to the installation of communications antennas on city-owned structures.
(Tabled 8/7/01)

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to receive and file the communication from AAT Communications Corp.

10. Communication from Lucille Stevens, Chairman of the Concerned Taxpayers of Manchester, NH seeking information regarding the current financial status of a building in the Millyard, which houses the FIRST Program.
(Tabled 8/7/01. Package of information previously forwarded by Mr. Clougherty.)

On motion of Alderman Levasseur, duly seconded by Alderman Thibault, it was voted that item 10 remain tabled.

11. Communication from the Destination Manchester Coordinator submitting the fiscal analysis for two office consolidation sites.
(1415 Elm Street and 149 Hanover Street)
(Tabled 8/7/01)

On motion of Alderman Levasseur, duly seconded by Alderman Shea, it was voted to receive and file the communication from the Destination Manchester Coordinator.

12. Communication from Michael Lemay and Cynthia Genest inquiring as to whether the City is interested in disposing of a parcel of land known as Map 134/Lot 37.
(Re-tabled 8/7/01. Planning recommendation to hold property until such time as the senior center site is resolved.)

On motion of Alderman Levasseur, duly seconded by Alderman Shea, it was voted to receive and file the communication from Michael Lemay and Cynthia Genest.

There being no further business to come before the committee, on motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee